

LOAN ON CHURCH HILL  
 STATE OF NORTH CAROLINA  
 BILLED SERVICES OF VARIOUS

IN THE FORTY-THIRD YEAR:

completing the work of the clerk under the collection of the loan and after the expiration of the term of the clerk and the clerk of the court.

Minutes of the Meeting of the Board of Aldermen, Book 4, Page 156

February 14, 1927

There was a meeting of the Board of Aldermen of the Town of Chapel Hill at 7:40 P. M., Mayor Roberson presided and the following Aldermen were present:- Messrs. C. L. Eubanks, M. E. Hogan, G. M. Baune, B. S. Williams and C. L. Wills.

The minutes of the meeting of the Board of Aldermen on Jan. 27th were read and upon motion of Alderman Hogan were duly approved as recorded.

The Manager presented the proposed charter as drawn by Attorney J. L. Morehead. The committee appointed to approve this charter did not desire to make a definite report and desired that the charter be studied by the Board in detail. There was considerable argument concerning Section 8 and 9 regarding the duties and authority of the City Manager in appointment of Department Heads, Supt. and employees of the Town. It was pointed out in the discussion that the Board of Aldermen would not desire to be placed in the position of possibly asking the City Manager to resign on account of the employment of one or two employees who were entirely unsuited for their positions and that it was felt that trouble might be avoided in the future in the operation under this charter by having the appointments and removals of the employees of the Town approved by the Board of Aldermen. After much more discussion and upon motion of Alderman Hogan, seconded by Alderman Wills, the charter was adopted as shown below. The Aldermen voting in the affirmative were Messrs. C. L. Eubanks, M. E. Hogan, C. L. Wills and B. S. Williams. Mr. G. M. Baune voting in the negative. The said charter being as follows:

THE GENERAL ASSEMBLY OF NORTH CAROLINA DO ENACT:

SECTION I. That the inhabitants of the Town of Chapel Hill, in Orange County, shall be and continue as they have been, a body politic and corporate, under the name and style of the Town of Chapel Hill, and as such the corporation is hereby vested with all the property and rights of property which now belong to the corporation, under any other name or names, and in this name may acquire and hold such estate in lands and property as may be devised, bequeathed, sold to, or in any manner conveyed to it or acquired by it, and may from time to time, under the general law governing municipal corporations, invest, sell or dispose of any said lands or property, including lands and property held for municipal purposes, and under said name shall have power to contract and be contracted with, to sue and be sued, and shall have all the powers, rights and privileges now or hereafter conferred upon municipal corporations by the general law of the State, including powers, rights and privileges necessary or belonging to, or usually appertaining to municipal corporations, or appropriate to the exercise of the powers now or hereafter conferred on municipal corporations by the general law of the State.

Section 2. That the territory embraced within the following boundaries shall, from and after the ratification of this act, constitute the boundaries of the Town of Chapel Hill: BEGINNING at a stone post six hundred (600) yards Northwesterly from the intersection of the center line of Franklin Street and the West boundary of Merritt Street, in a line at right angles to the main part of Franklin Street; thence two thousand, six hundred and twenty-two (2,622) yards in a northeasterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence in a Southeasterly direction at right angles to the main part of Franklin Street fifteen hundred and forty-nine (1,549) yards to a marked stone and pointers; thence two thousand, six hundred and twenty-two (2,622) yards in a Southeasterly direction parallel to the main part of Franklin Street to a marked stone and pointers; thence Northwesterly fifteen hundred and forty-nine (1,549) yards at right angles to the main part of Franklin Street to the beginning.

SECTION 3. That the governing body of the Town of Chapel Hill shall consist of a Mayor and six Aldermen, who shall exercise the corporate powers of said Town, and provide by ordinance, rule or resolution for the proper and efficient management of said Town. They shall have and exercise all powers now or hereafter conferred upon governing bodies of municipalities by the general law of the State.

SECTION 4. The Mayor of the Town of Chapel Hill shall hold office for a term of two years and until his successor is elected and qualified. He shall be elected biannually. Aldermen shall be elected for a term of four years, and shall hold office until their successors are elected and qualified. Biannually, beginning on Tuesday after the first Monday in May, 1927, there shall be held an election which shall be conducted in the manner provided for by the general law of the State governing elections in municipalities, for the purpose of electing a Mayor and three Aldermen for the terms herein set forth, to succeed the Mayor and the Aldermen whose term of office expires at such time. Until Tuesday after the first Monday in May, 1927, the present governing body shall remain, be and constitute the governing body of the Town.

SECTION 5. The names of any candidate for Mayor or Aldermen of the Town of Chapel Hill shall be printed upon an official ballot, provided there is filed with the Town Clerk, not less than five days previous to the holding of such election, the name of such candidate and the office for which he is a candidate. The official ballot shall be in such form as the Board of Aldermen may determine, and shall bear instructions to the voter as to the number of candidates to be voted for and the method of designating his choice. Nothing herein shall be construed as preventing any qualified elector from becoming a candidate for any office at any election, but unless the notice of such candidacy shall be filed with the Clerk as herein provided, such candidate shall, at his own cost and expense, prepare ballots bearing his name.

SECTION 6. The governing body at its first meeting after the



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election, or as soon thereafter as convenient, shall fix stated dates for the meetings, which shall be not less than once in every calendar month, and shall provide by resolution for the calling of special meetings whenever same may become necessary; it shall appoint a Clerk and a Treasurer, who shall hold office at the will of the Board, fix the compensation to be paid such officers and the amount of bond to be furnished by them.

SECTION 7. The governing body shall appoint a City Manager, who shall be the administrative head of the City government and shall be responsible for the administration of all departments. He shall be appointed with regard to merit only and he need not be a resident of the town when appointed. He shall hold office during the pleasure of the governing body, and shall receive such compensation as it shall fix by ordinance. Orders to the employees of the Town shall be given only through and by the City Manager.

SECTION 8. The City Manager shall (1) be the administrative head of the municipal government; (2) see that within the town the laws of the state and the ordinances, resolutions, and regulations of the governing body are faithfully executed; (3) attend all meetings of the Board of Aldermen, and recommend for adoption such measures as he shall deem expedient; (4) make reports to the governing body from time to time upon the affairs of the town, keep the governing body fully advised of the town's financial condition and its future financial needs; (5) appoint and remove all heads of departments, superintendents, and other employees of the town, unless otherwise provided herein.

SECTION 9. Such officers and employees as the governing body shall determine are necessary to the town shall be appointed by the City Manager, and any such officer or employee may be removed by him; but the City Manager shall report to the Board of Aldermen at their next meeting every such appointment or removal for such Board's approval or rejection, and the action of the said Board thereon shall be final. The officers and employees of the Town shall perform such duties as may be required of them by the City Manager under general regulations of the governing body.

SECTION 10. The general powers of the town shall specially include those powers conferred upon municipal corporations by Sections Two Thousand, Six Hundred and Twenty-three (2,623) and Two Thousand, Seven Hundred and Eighty-seven (2,787) of the Consolidated Statutes of the State of North Carolina, but the granting of such powers herein shall not be construed as a limitation, but the said town shall have all powers now or hereafter conferred by the general law of the State of North Carolina, and shall especially have the power to acquire property by condemnation of the same for public uses, such acquisition to be made in the same manner and under the same procedure as is provided under Article Two (2) of Chapter Thirty-three (33) of the Consolidated Statutes entitled, "Eminent Domain".

SECTION 11. That in the absence of any contracts with said Town in relation to the lands used or occupied by it for the purpose of streets, sidewalks, alleys, or other public works of said Town signed by the owner thereof or his agent, it shall be presumed that the said land has been granted to the said Town by the owner or owners thereof, and said Town shall have good right and title thereto, and shall have, hold and enjoy the same. Unless the owner or owners of said land, or those claiming under them shall make claim or demand, in writing addressed to the Board of Aldermen, for compensation within two years next after said land was taken, he or they shall be forever barred from recovering said land or having any compensation therefor; provided, nothing herein contained shall effect the rights of feme covets or infants until two years after the removing of their disabilities.

SECTION 12. (1) for the purpose of raising revenue for defraying the general expenses incident to the proper government of the municipality, the Board of Aldermen shall have the power to levy and collect an annual ad valorem tax on all the taxable property within the municipality, at a rate not exceeding One Dollar on the One Hundred Dollars of said valuation of property, and One Dollar on each poll, notwithstanding any other law, general or special, heretofore or hereafter enacted, except a law hereafter enacted expressly repealing or amending this section; (2) and shall annually levy and collect a tax ad valorem and without limitation as to the amount, upon all the taxable property within the municipality sufficient to pay the principal and interest of all bonds of the Town now outstanding or which may hereafter be issued, as such principal and interest becomes due; (3) and may annually lay a tax on all trades, professions and franchises carried on or enjoyed within the Town, unless otherwise provided by law; (4) and may lay a tax on all such shows and exhibitions for reward as are taxed by the General Assembly; (5) and on all dogs, and on swine, horses and cattle running at large within the Town. The governing body shall have the power to graduate any of the license taxes on trades, professions, franchises or any subject of taxation by dividing the same into classes, but the said taxes shall be uniform to all or any class.

SECTION 13. The governing body shall have authority to charge and collect a sewer rental or fee on all houses connected with the municipal sewer system, which rental is hereby declared a lien against the property served and the officer charged with the collection of the same shall have power to collect by distress and sale as provided herein for the collection of ad valorem taxes.

SECTION 14. On or before the first day of August of each year the Board of Aldermen shall lay and extend for collection the taxes on such subjects of taxation as are allowed by law. On all taxes paid before the first day of December a discount of one per cent shall be allowed, and



on all taxes unpaid from and after the first day of January shall be added a penalty in an amount equal to one per cent for each calendar month said taxes remain due and unpaid. Except as herein otherwise provided the general law of the State governing the levy and collection of municipal taxes, and the duties of the officer charged therewith, shall apply in the Town of Chapel Hill.

SECTION 15. That if any person liable for taxes on subjects to be listed shall fail to pay them on or before the first day of May of the year next succeeding the day of listing, the officer charged with the collection of taxes shall proceed forthwith to collect the same in the manner authorized for the collection of county taxes.

SECTION 16. That the Town of Chapel Hill may issue its negotiable notes or bonds for any or all purposes authorized by the general law of the State, and such notes or bonds shall be issued in accordance with and pursuant to the general law of the State then in effect governing the issuance of notes and bonds.

SECTION 17. The governing body shall cause to be kept clean and in good repair the streets, sidewalks and alleys of the Town. It may establish the width and ascertain the location of streets already provided, and may lay out and open others. It may also lay out, open and regulate public grounds or parks, and care for the same, and protect the shade trees of the Town. It may require the owner or lessee of the land abutting upon any sidewalks to repair same at such owner's or lessee's expense, and to require that the same be kept in good passable condition; or it may require the owners of property to pave, at their own expense, the sidewalks immediately fronting said lot, or upon the failure of the owner, after due notice to so pave such sidewalks, such work may be done by the Town, and the cost thereof assessed against the lot immediately abutting said sidewalk, and such assessment shall be a lien against such abutting lot, collectible as and when the taxes for the next fiscal year are due.

SECTION 18. That all ordinances, rules, resolutions and regulations of the Town of Chapel Hill in force at the time of taking effect of this act, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

SECTION 19. That all laws and clauses of laws in conflict with this act are hereby repealed.

SECTION 20. That this act shall be in full force and effect from and after its ratification.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

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The Manager read the following letter from Dr. W. C. Coker regarding the construction of a rock wall along Raleigh Street between Franklin Street and Cameron Ave. where the street has been graded very much below the elevation of the abutting property.

Mr. E. M. Knox,  
City Manager,  
Chapel Hill, N. C.

Feb. 12, 1927

Dear Mr. Knox:

Jim Blacknell and I have gone over as carefully as possible the probable cost of the rock work on the Raleigh Road that I mentioned to you yesterday. Of course, we could only arrive at a rough estimate, which I give below:

WAGES

Jim Blacknell:	5½ days @ \$3.00 . . . . .	\$16.50
Jim Blacknell, Jr.:	5½ days @ \$4.00 . . . . .	22.00
Helper:	5½ days @ \$2.50 . . . . .	13.75
Wagon and driver:	5½ days @ \$6.00 . . . . .	33.00

MATERIAL

20 Bags of Cement . . . . .	\$16.00
10 loads of sand . . . . .	12.00
Total . . . . .	\$28.00

As the University has done so much to improve this road and sidewalks recently, I hope your Board will find it possible to have this piece of necessary work done.

Yours sincerely,

W. C. Coker.

Upon motion of Alderman Hogan, seconded by Alderman Wills, the Manager was requested to confer with Mr. C. T. Woollen regarding this matter and the same was referred to the Public Works Committee. Alderman Wills brought up for consideration the unsafe condition of the Lindsay rock wall on Ransome Street and upon motion of Alderman Wills, seconded by Alderman Braune, the following resolution was adopted.

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:



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SECTION 1. That the rock wall along the property line on Ransome Street owned by Mr. C. L. Lindsay is hereby declared unsafe, and a menace to public safety.

SECTION 2. That Mr. C. L. Lindsay is hereby ordered to put the same in good condition, or to remove the same within thirty days after notice so to do,

SECTION 3. That in case the said rock wall has not been removed or placed in a safe condition at the expiration of said thirty days that the Manager is hereby instructed to tear down and remove the same and the expense of such removal shall be charged to Mr. C. L. Lindsay.

SECTION 4. That the Public Service Company is hereby

The Manager read the following letter from Mr. John E. Lear, Electrical Inspector, regarding the condition of the electrical wiring in the small sorority house on Franklin Street between the residence of Dr. Collier Cobb and the Acacia Club.

Chapel Hill, N. C.  
 Feb. 9, 1927

Mr. E. M. Knox,  
 City Manager,  
 Chapel Hill, N. C.

Dear Mr. Knox:

Mr. Roseman of the Public Service Company asked me to take a look at the wiring in the small building between Dr. Collier Cobb's and the next house which I believe is owned by the Acacia Club. I think this building is occupied by a girls' sorority.

I inspected the wiring in this building and find that if an attempt had actually been made to violate all of the rules of the code, I do not think they could have succeeded any better.

The City Fathers do not delegate to me the authority to order the service discontinued to this building, but I believe you have the authority to notify the Public Service people to discontinue the service until such a time as the wiring is overhauled. The burning of this building itself would not mean very much but it does create a distinct fire risk for Dr. Cobb and the Acacia Club.

I do not know who actually owns this building or who should be held responsible for changing the present conditions. I think, however, some steps should be taken to remedy the situation.

Yours very sincerely

John E. Lear,  
 Electrical Inspector

Upon motion of Alderman Wills, seconded by Alderman Eubanks, the following resolution was adopted as follows:

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION 1. That the condition of the electrical wiring in the small sorority club house between the residence of Dr. Collier Cobb and the Acacia Club on Franklin Street is duly declared to be unsafe from the standpoint that same is liable to cause a fire in the immediate territory surrounding it.

SECTION 2. That the University Consolidated Service Plants is hereby requested to discontinue electrical services to the above referred to building as the electrical wiring of the same has been greatly disapproved by the electrical inspector.

The Manager reported that, in accordance with instructions from the Board of Aldermen at its meeting on Jan. 27th, he had conferred with Mr. C. T. Woollen, Business Manager of the University, regarding reported unsatisfactory telephone services after 12 midnight and that Mr. Woollen had promised to make an investigation regarding same and report to the Board at a later meeting.

The Manager reported that, in accordance with instructions from the Board, he had consulted Mr. C. T. Woollen regarding the dangerous condition at the intersection of Raleigh Street and Cameron Ave and that Mr. Woollen had stated that immediate steps would be taken to lower the rock wall along Raleigh Street and to remove some of the shrubbery near this intersection to increase the visibility at this point, and that after this had been completed if it was still felt that a flashing traffic beacon should be placed at the intersection, he would be glad to discuss this matter at that time.

The City Manager reported that he had talked with Mr. C. T. Woollen regarding proposed purchase of 2,000 feet of fire hose and the possibility of the University paying the salary of one full time man at the fire station. Mr. Woollen stated that the University would pay for one-half the cost of 2,000 feet of fire hose in July, but that its ability to pay the salary of a full time fireman depended upon the amount of appropriations obtained from the Legislature and that it was impossible to say at the present time what the University would be able to do regarding this item. There was no action taken on these reports by the Board of Aldermen.



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The Manager reported that, in accordance with instructions from the Board of Aldermen and the Committee appointed to investigate the advisability to extend the corporate limits of the Town, he had made a thorough study of the situation and the following estimate was made of the financial situation which would arise by reason of the proposed extension. In order to extend all the municipal services within the new area, street lights, hydrants and sewers would have to be installed. Now the estimates for the extension of the municipal services and the new constructions necessary are show below.

GENERAL FUND

Annual Income Operative Taxes \$1820.00

Annual Expenses

1. Street Light	\$480.00	
2. Hydrants	288.00	
3. Stone Sewers	1500.00	
		<u>2196.00</u>

Annual Deficit \$ 376.00

CAPITAL AND FUNDS

Annual Income

1. Taxes	630.00	
2. Sewer Rentals	1800.00	
3. Sewer Assessments	600.00	
4. Street Assessments	1400.00	
		<u>\$4430.00</u>

Annual Expenses

1. Street Light Const.	400.00	
2. Water main and Hyd. installation	1600.00	
3. Street Light & drainage	2200.00	
4. Sewer construction	4600.00	
		<u>8800.00</u>

Annual Deficit \$ 4370.00

350,000.00

The discussion following this report pointed out that the University Consolidated Plant had refused to make the extension of the water line and the installation of hydrants at their expense due to the very great cost and the small income to be derived therefrom. It was pointed out that at the present time the total taxable property within this proposed area over which the extension would be made was only \$350,000.00. Upon motion of Alderman Braune, seconded by Alderman Williams, this report was accepted and in-so-much-as it seems from the said report that the proposed extension would cause a loss to the Town that no further consideration be given this proposal at the present time.

The question of borrowing \$1500 in the anticipation of the receipts from the proceeds of collection of taxes for the current fiscal year was then brought up for consideration and upon motion of Alderman Braune, seconded by Alderman Eubanks, the following resolution was duly adopted, all the Aldermen present voting in the affirmative therefor, to wit:- Messrs. G. M. Braune, C. L. Wills, M. E. Hogan, C. L. Eubanks and B. S. Williams:

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

SECTION 1. That in order to anticipate the proceeds from the collection of taxes from the current fiscal year, it is necessary to borrow \$1500 for the purpose of bearing the necessary expenses of the Town.

SECTION 2. That a temporary loan of \$1500 shall be made bearing interest at not more than 6% per annum and maturing not later than June 30, 1927. The said loan to be evidenced by a note and the Mayor is hereby instructed to fix the face amount of the said note and the rate of interest it shall bear and with the power to dispose of said note to the best advantage.

SECTION 3. That the said note shall be signed by the Mayor and countersigned by the Clerk under the corporate seal of the Town and shall be substantially in the following for:



UNITED STATES OF AMERICA  
STATE OF NORTH CAROLINA  
TOWN OF CHAPEL HILL

TAX COLLECTION ANTICIPATION NOTE

NO. \_\_\_\_\_

\$ \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS that the Town of Chapel Hill in the State of North Carolina for value received hereby promises to pay to \_\_\_\_\_ on \_\_\_\_\_ the principal sum of \_\_\_\_\_ DOLLARS with interest \_\_\_\_\_ per cent per annum, payable at the Town Office, Chapel Hill, N. C., in advance.

THIS NOTE IS GIVEN FOR MONEY borrowed in the amount of the face of this note in anticipation of the receipts of the proceeds from the collection of taxes for the current fiscal year in full compliance with the Municipal Finance Act and resolutions duly passed by the Board of Aldermen of said Town.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the laws and the constitution of the State of North Carolina to happen, exist, and be preformed precedent to and in the issuance of this note, have happened, exist, and have been performed in regular and due form and time, as so required, and that the total indebtedness of the Town, including this note, does not exceed any constitutional or statutory limitations thereon.

IN WITNESS WHEREOF the Town of Chapel Hill has caused this note to be signed by its Mayor and countersigned by its Clerk, under the corporate seal of the Town, all as of the \_\_\_\_\_ day of \_\_\_\_\_, 1927.

\_\_\_\_\_  
Mayor

Countersigned

\_\_\_\_\_  
Clerk

LVX COLLECTION VALICIBVLION NOLE

LOAN OR ONVLET MITT  
SIVER OR ROSEN CYBOPIMV  
EMILIO SIVLER OR VAMICV

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There being no further business the Board of Aldermen adjourned 11:20 P. M.

W. S. Robertson  
Mayor

Emilio Sivler  
Acting Clerk

The Manager reported that he had conferred with Mr. S. E. Wadley regarding the request from the University that the Town appropriate the sum of \$100.00 for the construction of a rock wall along Raleigh Street near the intersection with Franklin Street, and that the Building Committee of the University did feel that the Town should pay some portion of the cost of the improvement on Raleigh Street. After much discussion and upon motion of Alderman Shaw, seconded by Alderman Blanks, the following resolution was duly adopted; all the Aldermen present voting in the affirmative therefor:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF CHAPEL HILL:

Section 1. That the Town of Chapel Hill appropriate the sum of \$100.00 to the Building Committee of the University of North Carolina to be used in the construction of a rock wall along Raleigh Street.

Section 2. That the appropriation is made in accordance with a request from Mr. S. E. Wadley, Chairman of the University Building Committee, on February 18th.

Section 3. That this appropriation will be placed under the care of Mr. S. E. Wadley and he is thereby asked to make full supervision and control of this work.

The Manager reported that Mr. S. E. Wadley, Business Manager of the University, had given him the following report regarding complaints of Mr. C. E. Humphill, and Mr. S. S. Williams of very poor and inadequate telephone service after 12 midnight; these reports being as follows: